

East Stroudsburg Borough, December 18, 2014

A regular rescheduled meeting of the East Stroudsburg Borough Council was held at the Municipal Building on Tuesday, December 18, 2014. The following members were in attendance: Peter Begley, Edward Flory, Roger DeLarco, William Reese, Richard Smith, and Sonia Wolbert. Also attending were: Manager James S. Phillips; Solicitor John C. Prevoznik; Codes Official Marvin Walton; DPW Director Steven DeSalva; and Engineering Representative Samuel D'Alessandro of R.K.R. Hess Associates, Inc.

Call to Order/Pledge of Allegiance – Vice President Reese

President Roger DeLarco called the meeting to order at 9:10 a.m. The pledge of Allegiance was led by Brian Kimmins.

Moment of Silence

A moment of silence and reflection was observed by all in attendance.

Minutes of December 2, 2014 Regular Council Meeting

Mrs. Wolbert made a motion, seconded by Mr. Flory, to approve the minutes of the December 2, 2014 Regular Meeting as submitted; motion carried unanimously.

SARPD Report

Captain Brian Kimmins reported that the Homecoming Weekend at East Stroudsburg University was a lot quieter this year compared to last year; 59 contact compared to 281 in 2013 and far fewer citations issued. Capt. Kimmins said the Department was again approved for a PA LCB grant; no robberies this month (again); and six applications were received from officers for his Captain's position due to his impending retirement in February.

Mr. Reese asked about the "panhandling" issue? Capt. Kimmins said the Committee formed to address this issue, will meet today at 1 p.m. Mr. Prevoznik noted it is hard to make a distinction between these individuals soliciting funds, and some legitimate non-profit groups which solicit donations publicly as well. Mr. Flory said some local fire companies collect funds at street intersections, etc.

Public Hearing on Proposed Ordinance No. 1294 Amending the Code of the Borough of East Stroudsburg, Chapter 134 Entitled Solid Waste, Article III, Solid Waste User Fees; Changing the Annual Solid Waste Fee Charged to Residences

Mrs. Wolbert made a motion, seconded by Mr. Flory, to open a public hearing on the proposed ordinance; the motion carried unanimously. Mr. Prevoznik asked Mr. Phillips to review the ordinance. Mr. Phillips said the proposed ordinance will authorize changing the annual solid waste fee charged to residents to offset the cost of garbage collection and disposal and recycling collection and processing. The decrease in the fee from \$285 to \$265 per year is possible due to the anticipated reduced cost of the new garbage contract to be based on actual tonnage; recently awarded to Waste Management of PA, Inc. Mr. Phillips said the proposed ordinance was advertised in the *Pocono Record* on December 8, 2014 (proof of publication was available for inspection); an attested copy of the proposed ordinance was also provided to the newspaper and the Monroe County Law Library.

Mr. Phillips said the proposed ordinance provides that the solid waste fee, if paid in full within thirty days of billing, may be paid with a \$15 discount at \$250; or can be paid in three installments. If not paid within 180 days of billing, a 10% penalty charge is added; and if still unpaid the property owner is subject to paying interest charges on the amount due and a lien may be placed on the property.

Mr. Reese asked for questions or comments on the proposed ordinance, and there was none. With no further discussion, Mr. Flory made a motion, seconded by Mrs. Wolbert, to close the public hearing; motion carried unanimously.

#### Public Hearing on Proposed 2015 Year Borough Budget and Proposed Ordinance No. 1295 Fixing the Real Estate Tax Millage Rate for 2015 Year

Mrs. Wolbert made a motion, seconded by Mr. Begley, to open a public hearing on the proposed ordinance; the motion carried unanimously. Mr. Prevoznik asked Mr. Phillips to review the purpose of the public hearing and the ordinance. Mr. Phillips said the public hearing is on the proposed 2015 year Borough Budget for all funds which totals just over \$10.3 million in appropriations, and the proposed ordinance will establish the 2015 year real estate tax millage rate for the Borough which funds the General Fund at 19.2 mills for general purposes and 2.3 mills for debt service. Mr. Phillips said the notice of the hearing and proposed ordinance was advertised in the *Pocono Record* on December 4, 2014 (proof of publication was available for inspection); an attested copy of the proposed ordinance was also provided to the newspaper and the Monroe County Law Library.

Mr. Reese noted that Council had held several work session meetings on the proposed Budget. Mr. Phillips said Council had revised the Budget to include additional revenues in the Water fund to be generated by a increase in water rates. Other taxes levied by the Borough will remain at their current rates in effect; the earned income tax at 0.5%, the real estate transfer tax at 0.5%, and the local services tax at \$47 per year for persons employed within the Borough.

Mr. Reese noted that Council is pursuing collection of delinquent water/sewer charges and solid waste fees; and hopes that additional collections will help make up for no real estate tax increase. Mr. Reese asked for questions or comments on the proposed ordinance, and there was none. Mrs. Wolbert made a motion, seconded by Mr. Begley, to close the public hearing; motion carried unanimously.

#### Public Comments - Agenda Items

Bll Frazetta of Frazetta's costume store on South Courtland Street stated it is "tough" for retail establishments now, and they need the ability to have sidewalk signs to be able to catch the eye of passers-by. Most other places allow such signs including A-framesigns. Mr. Frazetta said he has a beautiful, large toy soldier he bought to display at his store, but Mr. Walton considers it to be a "sign" and is therefore not allowed. Mr. Frazetta also noted the condition of the PennDOT roads coming into East Stroudsburg is poor. Mr. Frazetta also asked about free parking for the Christmas season.

Mr. Reese said he has talked with Mr. Frazetta about the sign issue. Mr. Prevoznik also said he is aware of his concerns.

Mr. Begley said not allowing sidewalk signs is detrimental to local businesses. Mr. Prevoznik noted that the Planning Commission had analyzed the situation and concluded that most sidewalks are not wide enough to permit sidewalk signs, safely.

Mrs. Wolbert said the Eastburg Community Alliance (ECA) should play a role in this sign issue, by seeing what other communities are doing. Mr. Prevoznik said a committee including business owners, ECA, and Council needs to work on this issue.

Mr. DeLarco commented that the Codes Officer can only enforce laws as adopted by Council; the problem was that over 50 signs were out illegally all over the Borough.

Mr. Begley said he did not recall seeing a previous proposal to allow such signs, but feels that Council must do something to address the business owners legitimate concerns

Mr. DeLarco arrived at the meeting at this time and took over presiding at the meeting.

Ordinance No. 1294 Amending the Code of the Borough of East Stroudsburg, Chapter 134 Entitled Solid Waste, Article III, Solid Waste User Fees; Changing the Annual Solid Waste Fee Charged to Residences

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Ordinance No. 1294 as advertised, the motion carried unanimously.

Ordinance No. 1295 Fixing the Real Estate Tax Millage Rate for 2015 Year

Mrs. Wolbert made a motion, seconded by Mr. Begley, to adopt proposed Ordinance No. 1295 as advertised, the motion carried by a vote of 5-1, with Mr. Flory voting no.

Resolution No. 37-2014 – Approving 2015 Year Budget Appropriations for All Funds

Mrs. Wolbert made a motion, seconded by Mr. Reese, to adopt proposed Resolution No. 37-2014 as submitted; the motion unanimously.

Easement Agreement with Met-Ed for placement of pole on Borough property along Poole Road (Smithfield Township)

Mr. Phillips said Met-Ed had finally agreed to utilize the easement form provided by Mr. Prevonzik, and had signed the agreement. Mr. Prevonnik said the agreement must be recorded, and Met-Ed will reimburse the Borough for that cost. Mrs. Wolbert made a motion, seconded by Mr. Flory, to approve the proposed easement agreement as submitted and authorize its execution and recording; the motion unanimously.

Keystone Communities Program Grant Contract – Exit Funding for Eastburg Community Alliance (ECA)

Mr. Phillips said PA Department of Community and Economic Development has provided a grant agreement for the final funds to be disbursed to the Eastburg Community Alliance under the Main Street Program. Mrs. Wolbert made a motion, seconded by Mr. Flory, to approve and authorize execution of the proposed grant contract as submitted; the motion unanimously.

Confirm 2015 Year Council Meeting Schedule

Mr. Phillips said he had circulated the list of dates for Council meetings for next year, with several changes for the Committee meetings to avoid having meetings within several days of each other during the summer months. Mr. Reese made a motion, seconded by Mr. Begley, to approve and confirm the proposed meeting schedule for 2015 year as submitted; the motion carried unanimously.

Discussion/Action on Designation of Free Parking Downtown for Christmas Season

Mr. Phillips said Council had not discussed granting free parking this year, but has always in the past had free parking in the downtown prior to the Christmas holiday. Mr. DeLarco noted that some business owners are against free parking because other businesses let their employees park in the metered spaces instead of leaving the metered spaces for their patrons. Mr. Reese asked if ECA had taken a position on this, and if not – when was their next meeting? Mr. DeLarco said ECA Board will not meet again until mid-January.

Mr. Begley said he is in favor of granting free parking; but for what time period? Mr. Reese suggested from Saturday Dec. 20<sup>th</sup> through Saturday Dec. 27<sup>th</sup>. Mr. Begley made a motion, seconded by Mr. Flory, to grant free parking at downtown meters for the Dec. 20 – Dec. 27 period as discussed. Mr. Phillips asked if the intent was to bag all the meters, or just not enforce meter violations? Council agreed to not schedule parking enforcement downtown during the time period proposed. The motion unanimously.

### Replacement of Hopper on Tymco Street Sweeper

Mrs. Wolbert made a motion, seconded by Mr. Reese, to authorize advertising for bids for replacement of the hopper on the street sweeper as needed; the motion unanimously.

### Public Comments – New Business

Bill Frazetta said he witnesses vehicles going the wrong way on South Courtland St. from the Washington St. intersection all the time – and asked what can be done to discourage this? Mr. Frazetta suggested a blinking light to provide warning notice.

### Resolution No. 38-2014 Appointments to Planning Commission

Mr. Phillips said he contacted the three persons on the Planning Commission whose terms have expired and all wish to continue serving on the Commission. Mr. Reese made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 38-2014 re-appointing Jay Armitage, Keith Flory, and Tracy Granger to the balance of four-year terms on the Planning Commission expiring June 30, 2018; the motion unanimously.

### Correspondence

- Mr. Phillips reported receipt of the following items of correspondence:
- i. Kirk Summa & Co., LLP – Audit Report for Twin Boroughs Recycling Program for 2013 Year.
  - ii. Stroudsburg Borough - Resolution opposing PennDOT's planned Reconstruction Project for Exits 303-307 of Interstate 80.
  - iii. Request for Parking Meter Bags (40) – Pocono Dulcimer Club's 13<sup>th</sup> Annual Winter Dulcimerfest to be held at East Stroudsburg United Methodist Church on January 16-17, 2015. Mr. Phillips said the recently adopted Code states that requests for over 20 meter bags must be approved by Borough Council even with the \$5 per meter charge to be paid by the applicant. The Dulcimer Club is willing to pay for the 40 meter bags at the new \$5 rate. Mr. Flory said it is not fair to other business owners downtown, to remove that much parking for an entire day; and made a motion, seconded by Mrs. Wolbert to deny the request for 40 meter bags. The motion ended in a 3-3 tie; with Mr. Flory, Mr. Smith, and Mrs. Wolbert voting yes.

After discussion, Mr. Begley made a motion, seconded by Mr. Reese to approve the request for 40 meter bags. The motion failed by a vote of 2-4, with Mr. Begley and Mr. Reese voting yes. Mr. Prevoznik said according to the Code, the applicant thus is only approved for 20 meter bags.

### Reports

Mr. DeLarco suggested that a public meeting be held on the proposed reconstruction of the Ridgeway Street bridge by PennDOT. Mr. Phillips said PennDOT is just now selecting an engineering firm for design and will not have a firm under contract until at least January. Mr. DeLarco asked Mr. Phillips to make contact with PennDOT concerning holding an information meeting as soon as practical.

Mr. D'Alessandro reviewed the latest draft of the new draft sidewalk code that the Council Committee has been working on. Mr. Flory said the main question many people may have is – why require detailed plans for a permit? Mr. Flory said it is important to be able to locate the property lines; and that has to be the responsibility of the applicant. Mr. Smith asked if the Borough could have a contractor do sidewalk work and charge the property owner? Mr. Flory said that could be done for complete new sidewalks if the Borough decides to assess the cost against the benefiting property owners.

Mr. Reese reported that the Recycling Committee met recently, and the Recycling Program will now be accepting plastics items no. 1-7 – which can all be placed in the same curbside containers. Mr. Reese also asked if the Borough would be permitted to publish the names of those persons who owe delinquent water/sewer or garbage charges?

Mr. Prevoznik said he cannot recommend that practice, due to possible violation of fair trade/credit requirements.

Mr. Begley asked if there are any new developments with the issue of the flooring at the Fire Station; Mr. Phillips said he has not heard anything through our architect's office.

Mr. Walton asked Council members to get back to him by early January, with any additional comments on the proposed sidewalk code or residential parking ordinances; prior to the anticipated public meeting to be held at the second meeting in January.

Mr. DeSalva reported on the recent meeting of the Committee working on increased security for the municipal building. Mr. DeSalva also said he is reviewing the videotapes of the infiltration/inflow work done by Sewer Service Specialties, to identify sewer repairs that will need to be scheduled.

Mr. Phillips said he attended the Dec. 3<sup>rd</sup> meeting of the Smithfield Township Planning Commission, when plans were reviewed for the proposed office building to be built by Pocono Medical Center on Route 447 at the former "Wall Street West" site; the plan still is to direct stormwater from the site down Route 447 instead of flowing to the Flory Pond drainage area.

Mr. Phillips reported that the level of the East Stroudsburg Reservoir has gained 30" or over 28 million gallons as a result of rain within the last week. Also, Stroud Township apparently is not interested in a new, joint UCC Board of Appeals – but Stroudsburg Borough is interested. Mr. Prevoznik said he can furnish an example agreement from Paradise Township which has had a joint UCC Board of Appeals for some time now.

Mr. Phillips said he submitted to Council a list of upcoming vacancies on Boards and Commissions; and discussed that he was again contacted by users of the Fresenius Dialysis Center about getting a loading zone established for in front of the center on South Courtland Street.

#### Proposed Resolution No. 39-2014 - Employee Contribution Rates for Health Insurance

Mr. Phillips noted that employees contribute 3% of the premium cost for health insurance, but employees have the option of two health insurance plans – the PPO plan and the HMO plan. The HMO plan has lower co-pays for some services, and costs approximately \$102 per year more than the PPO plan. Mr. Reese made a motion, seconded by Mrs. Wolbert, to adopt proposed Resolution No. 39-2014, to require that employees with the more costlier HMO plan pay a higher contribution rate equal to the difference in the rates between the HMO and PPO plan; the motion carried unanimously.

#### List of Bills Payable – December 18, 2014

Mr. Reese made a motion, seconded by Mr. Flory, to approve the List of Bills Payable and to ratify expenditures and payroll made through 12/18/14 as submitted; the motion carried unanimously.

#### Adjournment

With no further business, Mr. Flory made a motion, seconded by Mr. Begley, to adjourn the meeting at 11:00 a.m.; the motion carried unanimously.

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James S. Phillips, Secretary